IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 548 OF 2005
(FOR LEAVE TO APPEAL)

The State of Maharashtra. ..Applicant.

Vs.

Kaka Babu Bhise & ors. .. Respondents.

Ms.Usha Kejariwal, Additional Public Prosecutor for the State.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 31st January, 2005

P.C.

Heard Ms.Usha Kejariwal, the learned APP and perused the impugned judgment.

2. There is no direct evidence. In relation to the circumstantial evidence, the learned trial Judge observed thus-

> "Thus the circumstantial evidence against the accused is not sufficient to prove the offence against the accused. The chain of circumstances is not complete so as to indicate that the accused committed the offence. I have already mentioned that there was no sufficient motive on the part of the accused to commit the offence against the deceased."

3. The learned APP could not show any infirmity in consideration of the matter by the learned trial Judge. There is no perversity in the view taken by the learned Additional Sessions Judge.

4. No case for grant of leave to appeal is made out. Application for leave to appeal is, accordingly, rejected.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)